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ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

Plaintiff(s),)	
)	
WILLIAM AYERS)	
MEGHAN LANKER)	Case No. 10-cv-79-D
)	
VS.)	
)	
Defendant(s))	
)	
UNIVERSITY OF WYOMING)	
TOM BUCHANAN, in his official capacity)	

**PLAINTIFFS' MOTION FOR APPEARANCE
BY TELEPHONE**

1. On Thursday, April 22, 2010, this Honorable Court set this matter for hearing on Plaintiffs' Motion for Preliminary Injunction, which hearing will commence at 10:00 a.m. on Monday, April 26, 2010.

2. On inquiry concerning whether some of Plaintiffs' witnesses may appear by telephone, Skype or videoconference, the Honorable Chief Judge William F. Downes requested additional information, including: 1) the identity of all witnesses Plaintiffs are requesting be allowed to testify remotely; 2) the witnesses' location; 3) a particularized statement of reasons why the witnesses' travel to Casper for Monday's hearing is not possible or is difficult; 4) the anticipated subject matter of the witnesses' testimony; and 5) any other information Plaintiffs believe is relevant to the Court's consideration of the matter.

3. In addition, Plaintiffs counsel was advised to confer with Mr. Rice to determine whether the Defendant opposes the proposed method of testimony. Plaintiffs have not delayed in filing this Motion, they have been awaiting conferral from Defendants.

4. In response, Plaintiff William Ayers is a professor at the University of Illinois, Chicago, and is scheduled to teach a doctoral seminar on research on Monday. Mr. Ayers further has a longstanding commitment to speak on one or more panels at the annual meeting of the International Reading Association in Chicago on Monday, which meeting occurs only once each year. As such, Mr. Ayers' panel appearances cannot be rescheduled.

5. Mr. Ayers' prior commitments preclude travel on Monday, April 26, 2010. However, Mr. Ayers can be available to testify at the hearing via telephonic means.

6. Mr. Ayers is expected to testify that he was invited to give two speeches at the

University of Wyoming—a public speech discussing his new book, *Trudge Towards Freedom: Moral Commitment and Ethical Action in the Classroom* on April 5, 2010, and a faculty lecture concerning academic research on April 6, 2010—that he accepted the invitation, that the University of Wyoming pressured a University professor to cancel his speech and faculty lecture; that Plaintiff Meghan Lanker invited him to give his public speech on April 28, 2010, and that the University has barred him from speaking at the University on April 28, 2010, or at any other time. Mr. Ayers will otherwise testify concerning the allegations of the Complaint.

7. Pursuant to U.S.D.C.L.R. 7.1, on April 23, 2010, undersigned conferred in writing at 2:00 p.m., with Thomas Rice, counsel for the Defendant. As of the time of the filing of this motion, Mr. Rice has not responded.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order authorizing Plaintiff William Ayers to testify via telephone.

Respectfully submitted this 23rd day of April, 2010.

KILLMER, LANE & NEWMAN, LLP

/s/Ousair Mohamedbhai

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April 2010, a true and correct copy of the foregoing **MOTION FOR APPEARANCE BY TELEPHONE** was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Thomas S. Rice, Esq.
trice@sgrllc.com

s/ Qusair Mohamedbhai